

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

MARCUS GORDON, M.D.
Plaintiff

vs.

**9 BRANCH STREET, L.L.C.,
BROOKS C-1 CONTROL CORPORATION,
HAROLD J. BROOKS and
JOSEPH FRIEDMAN**
Defendants

Civil Action No. 05-11372-MEL

ASSENTED-TO MOTION TO ADMIT COUNSEL *PRO HAC VICE*

I, Paul R. Kfoury, hereby move this Court pursuant to the Local Rules of the United States District Court for the United States District Court for the District of Massachusetts to admit *pro hac vice* Attorney Donna-Marie Cote of my firm for the purposes of this case only. Ms. Cote's supporting Certification accompanies this motion. The grounds for this motion are as follows:

1. I am a member in the law firm of Wiggin & Nourie, P.A., 670 North Commercial Street, Manchester, New Hampshire.
2. I am a member in good standing of the Bar of the State of Massachusetts and of the Bar of the State of New Hampshire.
3. I am not now the subject of any disciplinary proceeding in any jurisdiction.

5. Ms. Cote is an associate in the law firm of Wiggin & Nourie, P.A., 670 North Commercial Street, Manchester, New Hampshire.

6. Ms. Cote is admitted to practice in the State of New Hampshire. She is a member in good standing and eligible to practice in each of the courts to which she has been admitted. She is not currently suspended or disbarred in any jurisdiction, and she is not the subject of any disciplinary proceeding. See Attached Certificate of Donna-Marie Cote.

7. Defendants seek the admission of Ms. Cote for the purpose of representing them in this action;

8. Ms. Cote will remain associated in this case with undersigned counsel in accordance with Local Rule 83.5.3(b).

9. Undersigned counsel contacted counsel for the plaintiff to obtain concurrence on August 22, 2005. Counsel for the plaintiff concurs with the granting of the relief sought in this motion.

**Incorporated Memorandum of Law
Pursuant to Local Rule 7.1(b)(1)**

Pursuant to Local Rule 83.5.3(b), the Court has discretion to admit any member in good standing of a bar of another federal court or of the highest court of any state, to practice in this Court with respect to a particular action. Local Rule 83.5.3(b) provides as follows:

An attorney who is a member of the bar of any United States District Court or the bar of the highest court of any state may appear and practice in this court in a particular case by leave granted in the discretion of the court, provided he files a certificate that (1) he is a member of the bar in good standing in every jurisdiction where he has been admitted to practice; (2)

there are no disciplinary proceedings pending against him as a member of the bar in any jurisdiction; and (3) he is familiar with the Local Rules of the United States District Court for the District of Massachusetts; and provided further, his application for leave to practice in this court is on motion of a member of the bar of this court, who shall also file an appearance.

LR 83.5.3(b).

Pursuant to Local Rule 83.5.3(b), Ms. Cote is qualified to appear as counsel *pro hac vice* for purposes of this action.

WHEREFORE, defendants request that this honorable court:

- A. Admit Donna-Marie Cote *pro hac vice*; and
- B. For such other relief as is just and equitable.

Respectfully submitted,
9 BRANCH STREET, L.L.C.,
BROOKS C-1 CONTROL CORPORATION,
HAROLD J. BROOKS and
JOSEPH FRIEDMAN
By Their Attorneys,
WIGGIN & NOURIE, P.A.

August 22, 2005

By: 

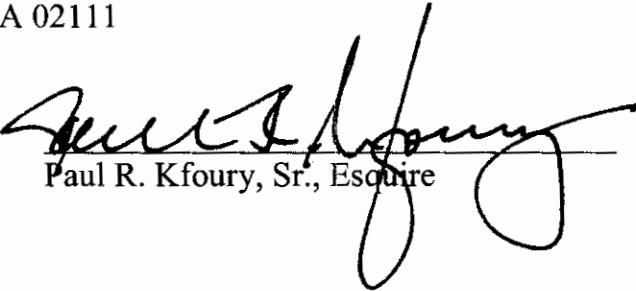
Paul R. Kfoury, Sr., Esq. - MA Bar #270560
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P.O. Box 808
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CERTIFICATE OF SERVICE

I hereby certify that on the above date, a copy of the foregoing was forwarded to the attorneys of record for plaintiff by mailing a true copy thereof, contained in a sealed envelope, with postage prepaid, addressed to said attorneys as shown below:

R. Alan Fryer, Esquire
Dorothy M. Bickford, Esquire
Badger Dolan Parker & Cohen
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Sarah R. Wunsch, Esquire
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Paul R. Kfoury, Sr., Esquire